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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: H-4564.1/02

ATTY/TYPIST: RJS:mos

BRIEF DESCRIPTION:

2 2ESSB 5522 - H COMM AMD  
3 By Committee on Health Care

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5 Strike everything after the enacting clause and insert the  
6 following:

7 NEW SECTION. **Sec. 1.** The legislature finds that in order to  
8 comply with the community mental health services act, chapter 71.24  
9 RCW, and the medicaid managed care mental health waiver, and to  
10 effectively assist persons with mental illness and consumers of mental  
11 health services in the assertion of their civil and human rights, and  
12 to improve the quality of services available and promote the  
13 rehabilitation, recovery, and reintegration of these persons, an  
14 independent mental health ombudsman program should be instituted.

15 NEW SECTION. **Sec. 2.** The definitions in this section apply  
16 throughout this chapter unless the context clearly requires otherwise.

17 (1) "Department" means the department of community, trade, and  
18 economic development.

19 (2) "Immediate family member", as pertaining to conflicts of  
20 interest, means the spouse, parents, children, and siblings of the  
21 mental health ombudsman.

22 (3) "Mental health consumer" or "consumer" means any individual who  
23 is a current or past client, patient, or resident of a mental health  
24 provider or facility, or an applicant for such mental health services.

25 (4) "Mental health ombudsman" or "ombudsman" means the state mental  
26 health ombudsman, regional mental health ombudsmen, staff of the state  
27 and regional mental health ombudsmen, certified volunteer mental health  
28 ombudsmen, and quality review team members. A mental health ombudsman  
29 shall not be considered to be a mental health provider.

30 (5) "Mental health provider or facility" means any of the  
31 following:

32 (a) An agency, individual, or facility that is part of the  
33 community mental health service delivery system, as defined in RCW  
34 71.24.025;

1 (b) An evaluation and treatment facility, as defined in RCW  
2 71.05.020 or 71.34.020;

3 (c) A long-term care facility, as defined in RCW 43.190.020, in  
4 which adults or children with mental illness reside;

5 (d) A state hospital, as defined in RCW 72.23.010; and

6 (e) A facility or agency that receives funds from the state of  
7 Washington to provide residential or treatment services to adults or  
8 children with mental illness.

9 (6) "Office" means the office of the state mental health ombudsman.

10 (7) "Quality review team" means two or more individuals who assess  
11 the quality of services delivered by mental health providers or  
12 facilities, provide recommendations for changes in services, and  
13 perform other tasks consistent with the intent of this chapter.

14 NEW SECTION. **Sec. 3.** (1) The office of the state mental health  
15 ombudsman is hereby created. The office shall be headed by an  
16 individual known as the state mental health ombudsman, who shall be  
17 selected from among individuals with expertise and experience in the  
18 fields of mental health services, policy, and advocacy. The office  
19 shall carry out, directly and through the use of mental health  
20 ombudsmen and quality review teams, an independent statewide program  
21 known as the state mental health ombudsman program.

22 (2) The department of community, trade, and economic development  
23 shall contract with a private nonprofit organization to operate the  
24 office of the state mental health ombudsman and to provide, directly or  
25 through subcontracts, mental health ombudsman services as specified  
26 under, and consistent with, the medicaid managed care mental health  
27 waiver, state law, the goals of the state, and the needs of its  
28 residents. The organization that operates the office of the state  
29 mental health ombudsman shall select the individual to serve as the  
30 state mental health ombudsman, with opportunity for prior stakeholder  
31 input, and shall revoke the designation only upon a showing of neglect  
32 of duty, misconduct, or inability to perform duties. The department  
33 shall ensure that all program and staff support necessary to enable the  
34 mental health ombudsman program to protect the interests of persons  
35 with mental illness is provided, directly or through subcontracts, by  
36 the organization that operates the office of the state mental health  
37 ombudsman. The contracting organization and the office shall not be

1 considered to be state agencies or departments, but instead shall be  
2 private entities operating under contract with the state.

3 (3) The department shall designate by a competitive bidding process  
4 the organization that will contract to operate the office of the state  
5 mental health ombudsman. The selection process shall include direct  
6 stakeholder participation in the development of the request for  
7 proposal, evaluation of bids, and final selection. The department  
8 shall ensure that the designated organization is free from conflicts of  
9 interest and has the demonstrated capacity to ensure that the  
10 responsibilities of the office of the state mental health ombudsman are  
11 carried out. The department shall undertake an annual review of the  
12 designated organization to ensure compliance with the provisions of the  
13 contract. The department shall not revoke the designation of the  
14 organization operating the office of the state mental health ombudsman  
15 except upon a showing of neglect of duty, misconduct, or inability to  
16 perform duties. Prior to revoking the designation, the department  
17 shall provide notice and an opportunity for the organization, the state  
18 ombudsman, and the public to comment upon the proposed revocation, and  
19 shall provide the organization an opportunity to appeal the decision to  
20 the director of the department.

21 (4) The department shall adopt rules to carry out this chapter.

22 NEW SECTION. **Sec. 4.** The office of state mental health ombudsman  
23 shall have the following powers and duties:

24 (1) Establish appropriate procedures: For access by mental health  
25 ombudsmen to all mental health consumers, consistent with section 13 of  
26 this act; for ombudsman access to the records of mental health  
27 consumers, with provisions to ensure confidentiality, consistent with  
28 sections 13 and 14 of this act; and for the protection of the ombudsman  
29 program's records and files, consistent with section 14 of this act;

30 (2) Maintain a statewide toll-free telephone number for the receipt  
31 of complaints and inquiries;

32 (3) Offer and provide services to assist mental health consumers  
33 and their representatives in order to assist in protecting the health,  
34 safety, welfare, and rights of mental health consumers;

35 (4) Offer and provide information as appropriate to mental health  
36 consumers, family members, guardians and other representatives,  
37 employees of mental health providers and facilities, and others  
38 regarding the rights of mental health consumers;

1 (5) Identify, investigate, and resolve complaints made by or on  
2 behalf of mental health consumers that relate to action, inaction, or  
3 decisions which:

4 (a) May adversely affect the rehabilitation, recovery,  
5 reintegration, health, safety, welfare, or rights of mental health  
6 consumers; and

7 (b) Involve a mental health provider or facility; a regulatory,  
8 governmental, health, or social service agency; a guardian or other  
9 representative; a family member; or another mental health consumer,  
10 friend, or associate;

11 (6) Support and encourage mental health consumer participation in  
12 treatment planning, delivery, and complaint resolution, both on an  
13 individual basis and systemwide, and recruit and support the  
14 participation of family members of the mental health consumer, close  
15 friends, and guardians and other representatives in the consumer's  
16 treatment and complaint resolution, unless the mental health consumer  
17 expressly objects to such participation;

18 (7) Represent the interests of mental health consumers before  
19 governmental agencies, and seek administrative, legal, and other  
20 remedies to protect the health, safety, welfare, and rights of mental  
21 health consumers;

22 (8) Monitor the development and implementation of federal, state,  
23 and local laws, regulations, and policies with respect to mental health  
24 services in this state, and provide information that the office of the  
25 state mental health ombudsman determines to be appropriate to the  
26 public, legislators, public and private agencies, and other persons;

27 (9) Provide for the training, certification, and decertification  
28 for good cause, of paid and volunteer mental health ombudsmen. Paid  
29 mental health ombudsmen shall recruit, supervise, and provide ongoing  
30 training of certified volunteer mental health ombudsmen, in accordance  
31 with the policies and procedures established by the office of the state  
32 mental health ombudsman;

33 (10) Where necessary to fulfill the purposes of this chapter,  
34 subcontract with nonprofit organizations or individuals to perform the  
35 functions of mental health ombudsman, provided however, that the state  
36 office shall provide services for coordinating the activities of mental  
37 health ombudsmen throughout the state;

38 (11) Establish a statewide uniform reporting system to collect and  
39 analyze data relating to complaints, conditions, and service quality

1 provided by mental health providers and facilities, jails, and  
2 correctional facilities, for the purpose of identifying and resolving  
3 significant individual problems and analyzing, developing, and  
4 advocating remedies in policy, practice, rule, or legislation for  
5 systemic problems, with provision for submission of such data to  
6 relevant agencies and entities on at least an annual basis, as  
7 specified in sections 9 and 10 of this act. This reporting system must  
8 be compatible with uniform child and adult consumer service outcomes,  
9 where such outcome measures are established; and

10 (12) Carry out such other activities as the department deems  
11 appropriate.

12 NEW SECTION. **Sec. 5.** All mental health ombudsmen must receive  
13 certification by the state mental health ombudsman and have training or  
14 experience in the following areas prior to serving as mental health  
15 ombudsmen:

16 (1) Mental health programs, other related social services programs,  
17 and community resources;

18 (2) Mental health diagnoses, care, and treatment approaches;

19 (3) Advocacy and supporting consumer self-advocacy;

20 (4) The legal system; and

21 (5) Dispute resolution techniques, including investigation,  
22 mediation, and negotiation.

23 NEW SECTION. **Sec. 6.** (1) All mental health ombudsmen must be free  
24 from conflicts of interest, including:

25 (a) No mental health ombudsman shall have been employed by, or  
26 participated in the management of, a regional support network or any  
27 mental health provider or facility within the past year, except where  
28 prior to the effective date of this act he or she has been employed by  
29 or volunteered for a regional support network, subcontractor thereof,  
30 or a state hospital to provide mental health ombudsman or quality  
31 review team services pursuant to the requirements of the federal  
32 medicaid managed care mental health waiver. The office of the state  
33 mental health ombudsman shall actively recruit persons who provided  
34 ombudsman services through a regional support network, subcontractor  
35 thereof, or state hospital;

36 (b) No mental health ombudsman or any member of his or her  
37 immediate family may have, or have had within the past year, any

1 significant ownership or investment interest in the provision of mental  
2 health services or in a mental health provider or facility;

3 (c) No mental health ombudsman shall have been employed in a  
4 governmental position with direct involvement in the licensing,  
5 certification, or regulation of a mental health provider or facility  
6 within the past year; and

7 (d) No mental health ombudsman shall be assigned to a mental health  
8 facility in which a member of that ombudsman's immediate family  
9 resides.

10 (2) No individual, or immediate family member of such an  
11 individual, who is involved in the designation or removal of the state  
12 mental health ombudsman, or the designation or revocation of the  
13 contractor or subcontractors, or who administers the contractor's or  
14 subcontractor's contract, may be an official or employee with  
15 responsibility for the licensing, certification, or regulation of  
16 mental health providers or facilities or may be employed by, own,  
17 operate, or manage mental health providers or facilities.

18 NEW SECTION. **Sec. 7.** (1) Mental health ombudsmen shall act in  
19 accordance with the policies and procedures established by the office  
20 of the state mental health ombudsman, and shall have the following  
21 authority and duties:

22 (a) Offer and provide services to assist mental health consumers  
23 and their representatives in order to assist in protecting the health,  
24 safety, welfare, and rights of mental health consumers;

25 (b) Offer and provide information as appropriate to mental health  
26 consumers, family members of mental health consumers, guardians and  
27 other representatives, employees of mental health providers and  
28 facilities, and others regarding the rights of mental health consumers;

29 (c) Identify, investigate, and resolve complaints made by or on  
30 behalf of mental health consumers that relate to action, inaction, or  
31 decisions which:

32 (i) May adversely affect the rehabilitation, recovery,  
33 reintegration, health, safety, welfare, or rights of mental health  
34 consumers; and

35 (ii) Involve a mental health provider or facility; a regulatory,  
36 governmental, health, or social service agency; a guardian or other  
37 representative; a family member; or another mental health consumer,  
38 friend, or associate;

1 (d) Support and encourage mental health consumer participation in  
2 treatment planning, delivery, and complaint resolution, both on an  
3 individual basis and systemwide, and recruit and support the  
4 participation of family members, close friends, guardians, and other  
5 representatives in the consumer's treatment and complaint resolution,  
6 unless the mental health consumer expressly objects to such  
7 participation;

8 (e) Represent the interests of mental health consumers before  
9 governmental agencies, and seek administrative, legal, and other  
10 remedies to protect the health, safety, welfare, and rights of mental  
11 health consumers; and

12 (f) Perform other duties assigned by the office of the state mental  
13 health ombudsman or its subcontractors, consistent with the purposes of  
14 this chapter.

15 (2) Mental health ombudsmen shall attempt to resolve complaints  
16 informally and at the lowest level possible, using direct discussion  
17 with care providers and personnel, complaint and grievance processes,  
18 and the fair hearing process if applicable, unless such avenues appear  
19 to be futile, not feasible, or not in the best interest of the mental  
20 health consumer.

21 NEW SECTION. **Sec. 8.** (1) Quality review team members must be  
22 certified mental health ombudsmen. In addition to their authority and  
23 duties under section 7 of this act, quality review team members, in  
24 accordance with the policies and procedures established by the office  
25 of the state mental health ombudsman, shall have the following  
26 authority and duties:

27 (a) Assess the quality of services provided by mental health  
28 providers and facilities;

29 (b) Survey the satisfaction of mental health consumers and family  
30 members with the services provided to them;

31 (c) Provide written recommendations on at least an annual basis to  
32 the office of the state mental health ombudsman and its subcontractors  
33 regarding changes that would improve the quality of services to mental  
34 health consumers;

35 (d) Provide written recommendations on at least an annual basis to  
36 mental health providers and facilities, regional support networks, the  
37 mental health division of the department of social and health services,

1 and others for improvements in the quality of services to mental health  
2 consumers;

3 (e) Advocate for the adoption of recommended improvements and then  
4 monitor the implementation of any changes; and

5 (f) Perform other duties assigned by the office of the state mental  
6 health ombudsman or its subcontractors, consistent with the purposes of  
7 this chapter.

8 (2) Quality review teams, in accordance with policies and  
9 procedures established by the office of the state mental health  
10 ombudsman, shall define, establish, and measure systemic mental health  
11 consumer outcomes and shall report on the systemic causes of access  
12 barriers and service problems encountered by mental health consumers.

13 NEW SECTION. **Sec. 9.** (1) The office of the state mental health  
14 ombudsman shall provide information relevant to the quality of mental  
15 health services, and recommendations for improvements in the quality of  
16 mental health services, to regional support networks and the mental  
17 health division of the department of social and health services.

18 (2) The mental health division and the regional support networks  
19 shall work in cooperation with the office of the state mental health  
20 ombudsman to develop agreements regarding how this quality information  
21 will be incorporated into their quality management systems. These  
22 agreements must ensure that information related to complaints and  
23 grievances conforms to a standardized form.

24 (3) The office of the state mental health ombudsman shall ensure  
25 that its reports and recommendations are broadly distributed and shall  
26 report annually regarding its activities, findings, and recommendations  
27 to at least the following entities: The mental health division, the  
28 mental health advisory board, the state long-term care ombudsman, the  
29 state family and children's ombudsman, the state designated protection  
30 and advocacy system, the department of community, trade, and economic  
31 development, regional support networks, and mental health advocacy  
32 groups.

33 (4) Regional support networks and the mental health division shall  
34 promptly provide the office of the state mental health ombudsman with  
35 demographic information they possess regarding the diversity of  
36 individuals applying for, receiving, and denied services in each  
37 region, service utilization information, contract and subcontract  
38 requirements, the results of all audits and reviews conducted by the

1 regional support networks or the mental health division, and such other  
2 information collected or produced by the regional support networks or  
3 the mental health division as may be necessary for mental health  
4 ombudsmen, including quality review team members, in the performance of  
5 their duties.

6 (5) Regional support networks and the mental health division shall  
7 assist mental health ombudsmen in obtaining entry and meaningful access  
8 to mental health providers and facilities, cooperation from their  
9 staff, and access to mental health consumers.

10 (6) Each regional support network and state hospital shall  
11 designate at least one liaison to the office of the state mental health  
12 ombudsman who shall be responsible for ensuring that mental health  
13 ombudsmen are actively included in quality management planning and  
14 assessment, for providing assistance in resolving issues regarding  
15 access to information and mental health consumers, and for resolving  
16 individual and systemic issues where requested by the mental health  
17 ombudsman or quality review team.

18 (7) Regional support networks, state hospitals, and their  
19 subcontractors shall respond in writing to all written recommendations  
20 regarding quality improvement made by the office of the state mental  
21 health ombudsman or by quality review teams within thirty days of  
22 issuance, and shall identify what action will be taken in response, and  
23 if no action or action other than that which was recommended is taken,  
24 the reasons for the variance must be explained in writing.

25 NEW SECTION. **Sec. 10.** The office of the state mental health  
26 ombudsman shall provide the legislature with an annual report that  
27 includes:

28 (1) An identification of the demographic status of those served by  
29 the mental health ombudsman program;

30 (2) A description of the issues addressed during the past year and  
31 a brief description of case scenarios in a form that does not  
32 compromise confidentiality;

33 (3) An accounting of the monitoring activities by the mental health  
34 ombudsman program;

35 (4) An identification of the results of measurements of consumer  
36 satisfaction and other outcome measures;

37 (5) An identification of the numbers of certified volunteer mental  
38 health ombudsmen;

- 1 (6) An identification of deficiencies in the mental health service  
2 system and recommendations for remedial action in policy or practice;  
3 (7) Recommendations for regulatory action by agencies that would  
4 improve the quality of service to individuals with mental illness; and  
5 (8) Recommendations for legislative action that would result in  
6 improved services to individuals with mental illness.

7 NEW SECTION. **Sec. 11.** Every mental health provider and facility  
8 shall post in a conspicuous location a notice providing the office of  
9 the state mental health ombudsman's toll-free number, and the name,  
10 address, and phone number of the office of the appropriate local mental  
11 health ombudsman if any and quality review team, and a brief  
12 description of the services provided. The form of the notice must be  
13 approved by the office of the state mental health ombudsman. This  
14 information must also be distributed to mental health consumers, their  
15 legal guardians or representatives, and family members of mental health  
16 consumers if appropriate, upon application for mental health provider  
17 services and upon admission to a mental health facility.

18 NEW SECTION. **Sec. 12.** (1) The office of the state mental health  
19 ombudsman shall develop referral procedures for mental health ombudsmen  
20 to refer appropriate complaints to state or local government agencies,  
21 consistent with the confidentiality provisions of this chapter. The  
22 state and local agencies shall act promptly on any complaint referred  
23 to them by a mental health ombudsman.

24 (2) The department of social and health services shall respond to  
25 any complaint against a mental health provider or facility referred to  
26 it by a mental health ombudsman and shall forward to that ombudsman a  
27 summary of the results of the investigation and action proposed or  
28 taken.

29 (3) The office of the state mental health ombudsman, and its  
30 subcontractors if any, shall work in cooperation with the state  
31 designated protection and advocacy agency, the long-term care ombudsman  
32 program, and the office of children and family ombudsman. The office  
33 of the state mental health ombudsman shall develop and implement  
34 working agreements with these advocacy organizations to ensure  
35 efficient, coordinated services.

36 (4) The office of the state mental health ombudsman shall develop  
37 and implement working agreements with each regional support network,

1 the state psychiatric hospitals, the mental health division, and such  
2 other entities as necessary to accomplish the purposes of this chapter.

3 NEW SECTION. **Sec. 13.** (1) The office of the state mental health  
4 ombudsman shall develop appropriate procedures governing the right of  
5 entry of all mental health ombudsmen, including quality team review  
6 members, to mental health providers and facilities, jails, and  
7 correctional facilities, for the purpose of carrying out the provisions  
8 of this chapter.

9 (2) Mental health ombudsmen, including quality review team members,  
10 shall have private access to all mental health consumers at any time  
11 deemed necessary and reasonable by the office of the state mental  
12 health ombudsman to effectively carry out the provisions of this  
13 chapter. Mental health ombudsmen shall be provided access to all  
14 mental health consumers receiving or seeking services from mental  
15 health providers or facilities, and to detainees and inmates of jails  
16 and correctional facilities who have a mental illness, with provisions  
17 made for privacy, for the purposes of providing information, hearing,  
18 investigating, and resolving complaints, and monitoring the quality of  
19 mental health services. Access shall be deemed necessary and  
20 reasonable during a facility's regular visiting hours, other periods  
21 the facility or provider is open to the public, and any other time  
22 access may be required by the particular complaint or condition to be  
23 monitored or investigated. Mental health ombudsmen seeking access to  
24 jails, juvenile detention facilities, and correctional facilities must  
25 successfully pass a criminal history background check as provided by  
26 chapter 43.43 RCW.

27 (3) Nothing in this chapter restricts any right or privilege of a  
28 mental health consumer to receive visitors of his or her choice.  
29 Nothing in this chapter restricts, limits, or increases any existing  
30 right of an organization or individual not described in subsections (1)  
31 and (2) of this section to enter or provide assistance to mental health  
32 consumers.

33 (4) Ombudsmen shall be permitted to review and copy the medical,  
34 social, and mental health records of a mental health consumer if:

35 (a) The ombudsman has the written permission of the mental health  
36 consumer or the representative of the consumer;

37 (b) The mental health consumer is unable to give informed consent  
38 to the review and has no representative; or

1 (c) The representative of an incapacitated mental health consumer  
2 refuses to give permission, the ombudsman reasonably believes the  
3 representative is not acting in the consumer's best interest, and the  
4 ombudsman receives prior written approval from the state mental health  
5 ombudsman or his or her designee.

6 (5) Mental health ombudsmen shall be given prompt and timely access  
7 to the mental health consumer's records, which in no case shall be  
8 longer than the time period governing the consumer's access to his or  
9 her records from the mental health provider or facility. The mental  
10 health provider or facility cannot refuse access to records to the  
11 ombudsman on the basis that it is medically contraindicated or for  
12 similar grounds. The identities of other patients, clients, residents,  
13 or mental health consumers, if contained in the records of the mental  
14 health consumer to which the ombudsman has access, shall be redacted  
15 prior to review by the ombudsman, if permission is not obtained by the  
16 ombudsman from these individuals.

17 (6) The provisions of this section apply to accessing the records  
18 of detainees and inmates of jails and correctional facilities who have  
19 a mental illness.

20 (7) The office of the state mental health ombudsman shall have  
21 timely access to, and copies when requested of, the licensing and  
22 certification records maintained by the state with respect to mental  
23 health providers and facilities.

24 (8) For any copies obtained under this section, the ombudsman may  
25 be charged a reasonable rate, which for public agencies or facilities  
26 may not exceed the copying rate adopted under the public disclosure  
27 laws, and for private facilities and providers may not exceed the rate  
28 charged by commercial copy centers in the community.

29 NEW SECTION. **Sec. 14.** (1) All records and files, and the  
30 information therein, maintained by the mental health ombudsman program  
31 shall remain confidential. Any disclosure of ombudsman program records  
32 or files is subject to both of the following provisions:

33 (a) No disclosure may be made without the prior approval of the  
34 state mental health ombudsman or his or her designee, provided however,  
35 that requests to the ombudsman program by mental health consumers or  
36 their representatives for assistance in obtaining service or better  
37 service, or to file a complaint, may be communicated directly by the  
38 mental health ombudsman to the mental health provider or facility or

1 oversight entity, without requiring prior approval of the state  
2 ombudsman; and

3 (b) No disclosure of the identity or identifying information  
4 regarding a mental health consumer, complainant, or witness shall be  
5 made unless that individual or his or her representative consents in  
6 writing to the disclosure, or disclosure is authorized by court order.

7 (2) Statistics, aggregate data, nonidentifying information and case  
8 studies, and analysis may be disclosed at the discretion of the state  
9 mental health ombudsman or his or her designee.

10 (3) All communications by a mental health ombudsman, if done in  
11 good faith and reasonably related to the requirements of the  
12 ombudsman's responsibilities under this chapter, are privileged, and  
13 that privilege shall serve as a defense to any action in libel or  
14 slander.

15 (4) All mental health ombudsmen are exempt from being required to  
16 testify in any judicial or administrative proceeding as to any  
17 confidential matters or records, except as a court may deem necessary  
18 to enforce this chapter.

19 (5) In monitoring the office of the state mental health ombudsman  
20 and its subcontractors, access to the ombudsman program's files and  
21 records, minus identifying information regarding any mental health  
22 consumer, complainant, or witness, shall be available to the director  
23 or one senior manager of the department or the contracting or  
24 subcontracting organization in which the state or local ombudsman  
25 office is administratively located. The individuals who perform the  
26 monitoring function must have no conflict of interest, as provided in  
27 section 6 of this act.

28 NEW SECTION. **Sec. 15.** (1) It is unlawful to willfully interfere  
29 with a mental health ombudsman in the performance of his or her duties  
30 under this chapter.

31 (2) No discriminatory, disciplinary, or retaliatory action may be  
32 taken against an employee of a mental health provider or facility, an  
33 employee of a jail or correctional facility, an employee of a public,  
34 health, or social service agency, or a mental health consumer or family  
35 member, for any communication made, or information given or disclosed,  
36 to aid a mental health ombudsman in carrying out his or her duties  
37 under this chapter. This prohibition does not apply to communications  
38 or false information provided maliciously or without good faith. This

1 subsection is not intended to infringe on the rights of the employer to  
2 supervise, discipline, or terminate an employee for permissible  
3 reasons.

4 NEW SECTION. **Sec. 16.** (1) It is the intent of the legislature  
5 that the state mental health ombudsman program make reasonable efforts  
6 to maintain and improve the current level and quality of mental health  
7 ombudsman services, taking into account the transition period from the  
8 current system of ombudsman programs and quality review teams within  
9 the regional support networks and state hospitals.

10 (2) It is the intent of the legislature that federal medicaid  
11 requirements be complied with and the department of community, trade,  
12 and economic development expend no more than the amount currently  
13 expended on mental health ombudsman services and quality review team  
14 services by regional support networks and state hospitals and their  
15 subcontractors, including related administrative costs, pursuant to  
16 contracts with the department of social and health services, to  
17 establish the mental health ombudsman program established by this  
18 chapter, and the amount annually expended by the mental health division  
19 in staff support, monitoring, oversight, and subcontracted training and  
20 consultation for community mental health ombudsman and quality review  
21 team services and state hospital mental health patient advocate or  
22 ombudsman services, except to the extent that additional funds are  
23 appropriated by the legislature, for the first two years after the  
24 enactment of this act.

25 NEW SECTION. **Sec. 17.** If any provision of this act or its  
26 application to any person or circumstance is held invalid, the  
27 remainder of the act or the application of the provision to other  
28 persons or circumstances is not affected.

29 NEW SECTION. **Sec. 18.** This act takes effect July 1, 2003.

30 NEW SECTION. **Sec. 19.** Sections 1 through 18 of this act  
31 constitute a new chapter in Title 43 RCW."

32 Correct the title.

--- END ---